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Attorneys for Plaintiff
ALISON M. CAYER and all others similarly situated

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALISON M. CAYER,

Plaintiff,

v.

WASHINGTON MUTUAL BANK,

Defendant.

Case No. C 07-00875 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER ALTERING CASE
MANAGEMENT SCHEDULE AND
APPROVING THE PARTIES' PLAN
TO ATTEMPT TO AMICABLY
RESOLVE THIS DISPUTE**

WHEREAS Plaintiff Alison M. Cayer ("Plaintiff") and Defendant Washington Mutual Bank ("Defendant") have conferred and reached agreements to provide stipulated notice of opt-in rights under the Fair Labor Standards Act ("FLSA") and to also explore the possibility of resolving this dispute amicably; and

WHEREAS Plaintiff and Defendant (collectively referred to as the "parties") want to be sure the Court knows about, and approves of, their specific plan to provide notice and attempt to resolve this dispute; and

WHEREAS the parties' plan requires modification of the Court's previous case management orders, including changing dates for motion filing and mediation compliance; and

WHEREAS the Court previously ordered that Plaintiff file a motion for conditional certification of a FLSA collective action by October 26, 2007, and that the parties mediate the

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case by January 25, 2008; and

WHEREAS the parties have agreed to send a stipulated opt-in notice to the putative class in late October or early November 2007; and

WHEREAS the parties have agreed to negotiate in good faith to attempt to settle the claims of class members who opt-in; and

WHEREAS the future of the case will largely be determined by the number of settlements that can be reached with opt-in plaintiffs: if a sufficient number of putative class members opt-in and receive settlements, Plaintiff may agree to forego attempting to certify any class(es) under FRCP Rule 23; otherwise, Plaintiff will attempt to certify a Rule 23 class(es), and/or proceed collectively with whatever opt-in plaintiffs do not receive settlements; and

WHEREAS the parties will subject this process and/or the resulting settlements to whatever review the Court deems appropriate, and/or follow whatever other direction the Court may wish to give to ensure that the interests of unnamed class members are fairly protected; and

WHEREAS the parties hope to complete the above-noted notice, opt-in and negotiation process by February 2008,

NOW THEREFORE Plaintiff Alison M. Cayer (and all others similarly situated) and Defendant Washington Mutual Bank **HEREBY STIPULATE** that:

1. With the Court's permission and approval, the following case management deadlines and/or events be taken *off-calendar*:
 - a. October 26, 2007 deadline to file motion for conditional class certification;
 - b. November 30, 2007 hearing on the motion for conditional class certification;
 - c. January 25, 2008 deadline for mediation compliance.
2. The parties be allowed to proceed with their agreed-upon process to attempt to resolve this dispute amicably; and
3. A case management conference be scheduled for March 14, 2008, at 1:30 p.m. (or as soon thereafter as is practicable for the Court's schedule), at which the parties and/or the Court can decide how the case should proceed.

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DATED: October 23, 2007

Robert L. Nelson

DATED: October 23, 2007


Jonathan P. Hayden, Esq.
Attorneys for Defendant
WASHINGTON MUTUAL BANK

DATED: October 23, 2007


Jeffrey S. White
UNITED STATES DISTRICT JUDGE